



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
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May 16, 2013

Sigma Kappa Sorority House  
c/o Bob Lindsey, LAI Architects  
Rt. 3 Box 383 EE  
Fairmont, WV 26554

**RE: CU13-07, V13-07 and V13-04  
Sigma Kappa Sorority / 552 North Spruce Street  
Tax Map 26, Parcel 240**

Dear Mr. Lindsey:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced conditional use and variance petitions relating to subject development at 552 North Spruce Street. The decisions are as follows:

**Board of Zoning Appeals, May 15, 2013:**

**CU13-07** – Conditional Use petition concerning an “Off-Site Parking Facility” use.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board approved conditional use petition CU13-07 as requested with the following conditions:
  1. That the off-site parking facility be encumbered by an easement or similar agreement, to the satisfaction of the Planning Division, which is duly executed and acknowledged and specifies that the land upon which the subject off-site parking facility is located is encumbered by the parking use of the subject development for no less than five (5) parking spaces. That this instrument must bind the use for the life of the sorority house use. That said instrument must be filed with the Planning Division and placed on public record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia. That the Certificate of Occupancy for the subject dwelling space shall be contingent upon the continuance of said agreement and encumbrance and should said agreement and encumbrance be annulled for any reason at any time, said Certificate of Occupancy shall be revoked upon written notification by the Planning Division. That a valid and current copy of said instrument must be made available at the request of Planning Division.
  2. That the proposed five (5) parking spaces shall have signs noting the sorority house for which the spaces are reserved. That such signage shall be 12 inches wide by 18 inches tall and shall be mounted between three feet and five feet above the finished surface of the parking stalls. That the text on the sign state “This space is reserved for residents located at Sigma Kappa Sorority at 552 Spruce Street only, per City Code 1365.07(D).”

**V13-04** – Variance petition concerning “Building Height, Use and Size”.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted a 1’ -6” variance from the maximum building height standard in the B-1 District without conditions.

**V13-07** – Variance petition concerning “Setbacks and Encroachments”.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted a 1’ -4” variance from the side setback standard in the B-1 District as requested without conditions.

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the conditional use and variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development’s planning and permitting needs.

Respectfully,



Stacy Hollar  
Executive Secretary  
Development Services Department  
[shollar@cityofmorgantown.org](mailto:shollar@cityofmorgantown.org)

## **ADDENDUM A**

### **Approved Findings of Fact**

#### **Case No. CU13-07 – Off-Site Parking Facility**

**Finding of Fact No. 1** – Congestion in the streets is not increased, in that:

Additional required parking will be obtained by an adjacent lot lease within an existing parking area. The location of the project site supports student housing at the edge of campus thereby reducing commute trips from housing outside the city and resultant congestion.

**Finding of Fact No. 2** – Safety from fire, panic, and other danger is not jeopardized, in that:

A new fire / egress stair is incorporated in the new design of a fully sprinkled building. The petitioner affirms that the Sigma Kappa Sorority House has been utilizing the adjacent lot for parking. Therefore, the utilization of the existing parking area and related conditions should not contribute to fire, panic, or other dangers.

**Finding of Fact No. 3** – Provision of adequate light and air is not disturbed, in that:

The location of the proposed off-premise parking is within an existing adjacent parking area and will therefore not affect existing light distribution or air flow conditions.

**Finding of Fact No. 4** – Overcrowding of land does not result, in that:

The proposed design increases bed count from 31 to 39 posing only 8 additional occupants. The location of the proposed off-premise parking is within an existing parking area. With the exception of the minor 1'-6" building height and 1'4" side setback encroachments, the proposed renovation and addition observes remaining setback and lot coverage standards. The location of the proposed off-premise parking is within an existing adjacent parking area.

**Finding of Fact No. 5** – Undue congestion of population is not created, in that:

The petitioner affirms that most of the Sigma Kappa Sorority House residents walk to the campus or utilize University or public transportation. The location of the project site supports student housing at the edge of campus thereby reducing commute trips from housing outside the city and resultant congestion. The proposed conditional off-premise parking use is within an existing adjacent parking area.

**Finding of Fact No. 6** – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

Granting the requested conditional use would improve the adjacent properties by the reorganization and enclosing of the required fire stairs and improving the existing eclectic structure into a singular Architecture element. The proposed renovation and off-premise parking does not appear to require public facilities or services beyond those existing conditions.

**Finding of Fact No. 7** – Value of buildings will be conserved, in that:

The existing house configuration lends to a disjointed architectural construct for the surrounding properties to experience. Granting the conditional use would allow the opportunity to extend the original design of the house covering the misguided addition of the CMU structure resulting in higher value to the Sigma Kappa Sorority House and surrounding buildings. The proposed conditional off-premise parking use is within an existing adjacent parking area.

**Finding of Fact No. 8** – The most appropriate use of land is encouraged, in that:

The increase of the student population in the campus area reduces the sprawling of housing and vehicular necessity. The proposed conditional off-premise parking use is within an existing adjacent parking area.

### **Case No. V13-04 - Maximum Building Height**

**Finding of Fact No. 1** – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Due to the lot size and building location, and the building's various rooflines that have developed over time, any improvements to the existing structure is limited to vertical expansion or coherent, architecturally pleasing rooflines.

**Finding of Fact No. 2** – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

The Metro Property's Courtyard West building, located at 327 Willey Street, and Courtyard East building, located at 331 Willey Street have an approximate mean building height of 45 feet and 63 feet respectively and are located within the same B-1 District.

**Finding of Fact No. 3** – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The existing house configuration lends to a disjointed architectural construct for the surrounding properties and built environment to experience. Granting the variance would allow the opportunity to extend the original design of the house covering the misguided addition of the CMU structure.

**Finding of Fact No. 4** – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Granting the requested variances would improve the Sigma Kappa Sorority House, adjacent properties, and built environment by the reorganization and enclosing of the required fire stairs and improving the existing eclectic structure into a singular Architecture element. The nature of the requested variance relief cannot mitigate nor contribute to existing traffic congestion.

### **Case No. V13-07 Side Setback**

**Finding of Fact No. 1** – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Due to the lot size and building location, any improvements to the existing fire stair would be in a structural nature rather than the incorporation of the stairs into the Architectural design in a seamless expression.

**Finding of Fact No. 2** – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Granting the request would allow the complete reconstruction and redesign of the current wooden egress stair that is in need of repair structurally and aesthetically. It appears that at least the following structures located within the same B-1 District encroach into present setback standards – 506 North High Street, 514 North High Street, 228 Prospect Street, 234 Prospect Street, 565 Price Street, and 331 Willey Street encroach into present setback standards.

**Finding of Fact No. 3** – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The existing condition of the fire stairs and current building configuration lends to an unsightly element for the surrounding properties. The new design will mask the old CMU addition and extend the roof line in the same Architectural language as the original house was designed. The State Fire Code requires the provision of fire stairs to the upper level.

**Finding of Fact No. 4** – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

Granting the requested variances would improve the Sigma Kappa Sorority House, adjacent properties, and built environment by the reorganization and enclosing of the required fire stairs and improving the existing eclectic structure into a singular Architecture element. The nature of the requested variance relief cannot mitigate nor contribute to existing traffic congestion.